

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

DAMON DEWAYNE PORTER
Reg. #74162-379

PLAINTIFF

v.

Case No. 2:19-cv-00138-LPR-JTR

DEWAYNE HENDRIX, Warden,
FCC Medium, *et al.*

DEFENDANTS


ORDER

The Court has received a Partial Recommended Disposition from Magistrate Judge J. Thomas Ray, along with objections filed by Plaintiff Damon Dewayne Porter. After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Partial Recommended Disposition should be, and hereby is, approved and adopted as this Court's findings in its entirety.

IT IS THEREFORE ORDERED that Porter may PROCEED with his Federal Tort Claims Act claim against the United States and his *Bivens* claims against Dewayne Hendrix, Ron White, M. Paggant, Andrew Cruzan, Natalie Burke, and B. Hoy, in their individual capacities.

The official-capacity *Bivens* claims against Hendrix, White, Paggant, Cruzan, and Burke are DISMISSED, with prejudice. The Bureau of Prisons is DISMISSED with prejudice as a party to this action. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an *in forma pauperis* appeal of this Order would not be taken in good faith.

IT IS SO ORDERED this 28th day of June, 2021.



LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE